

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

STEVE-ANN MUIR, for herself and all others
similarly situated,

Plaintiff,

v.

No. 2:16-cv-00521-SRC-CLW

EARLY WARNING SERVICES, LLC; FIRST
ADVANTAGE BACKGROUND SERVICES
CORP.; and JOHN DOES 1-10,

Defendants

**DEFENDANT EARLY WARNING SERVICES, LLC'S
MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT**

For the reasons set forth in the accompanying brief, Defendant Early Warning Services, LLC ("EWS") respectfully moves the Court, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), to dismiss Count II of Plaintiff's Second Amended Complaint (Dkt. No. 93) with prejudice.

Respectfully submitted, this 16th day of November, 2016.

/s/ Cindy D. Hanson

Cindy D. Hanson

Ross D. Andre

Admitted *pro hac vice*

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Services, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November, 2016, I filed a copy of the foregoing document with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all counsel of record.

/s Cindy D. Hanson
Cindy D. Hanson